

REMARKS

Claims 1 and 3-13 are pending. By this Amendment, claims 1 and 13 are amended. Support for the amendments can be found, for example, in the specification and claims as originally filed (see page 9, lines 6-21 and claim 13). No new matter is added.

The courtesies extended to Applicants' representative by Examiner Joyner at the interview February 16 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

In view of the foregoing amendments and the following remarks, reconsideration and allowance are respectfully requested.

I. REJECTION UNDER 35 U.S.C. §112

The Office Action rejects claim 1 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. By this amendment, claim 1 is amended to obviate the rejection. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. REJECTIONS UNDER 35 U.S.C. §103

A. Harms and Soane

The Office Action rejects claims 1, 3 and 10-12 under 35 U.S.C. §103(a) over U.S. Patent No. 6,348,086 to Harms et al. ("Harms") in view of U.S. Patent Application Publication No. 2004/0250683 to Soane ("Soane"). Applicants respectfully traverse the rejection.

Harms and Soane, individually or in combination, would not have rendered obvious each and every feature of claim 1.

More specifically, the chemical retainer of Applicants' claimed device is comprised of mesh-like chemical-retaining fibers that further comprise individual mesh units, which are located on both the upper and lower sides of the mesh constituent unit, as recited in claim 1. The upper and lower sides of the mesh constituent unit are connected by supporting chemical-retaining fibers in a columnar/diagonal-like structure. With reference to Figure 11 of Applicants' specification, the chemical retainer is housed by a protective case having an upper and a lower portion, such that the central portion of the chemical retainer is atmospherically exposed, as discussed during the February 16 interview. During operation, each individual mesh unit is rotated by the rotary drive device, as recited in claim 1. Because of its original design, negative pressure is generated by the rotation of each individual mesh unit, which is then accompanied by turbulence and horizontal air currents generated from the gap regions of the mesh-like fibers and supportive fibers (specification, page 9, lines 6-14). Chemicals are retained in the device by virtue of capillary phenomena and, as a result, superior chemical retaining and chemical volatilization effects are achieved (see specification, page 9, lines 16-17; and Table 1).

Harms merely discloses a combination blower wheel and filter cartridge, the blower wheel comprised of a plurality of fan blades, and the filter cartridge comprising an inner and

an outer mesh layer (Harms, col. 2, lines 28-30 and 63-65). With reference to Figure 3 of Harms, a filter cartridge **100** is provided inside a blower cavity **106**, such that the outer surface of the filter **108** is frictionally fitted with fan blades **110** on the blower wheel **102** (Harms, col. 5, lines 22-23). During use, air is drawn along flow path **116**, into the center opening **118** and continuing along **116'** to pass through air outlet **112** (Harms, Figure 3). While in use, the combined unit of the filter cartridge and the blower wheel are both rotated as a whole, in accordance with arrows **131** and **161** as shown in Figures 4 and 5 (see Harms, col. 5, lines 61-64 and col. 6, lines 13-16).

Soane merely discloses an air filtering device having twisted fibers and, thus, fails to cure the deficiencies of Harms with respect to claim 1 (Soane, paragraphs [0025] and [0026]).

Based on the above, Harms and Soane do not disclose nor do the references provide any reason or rationale for one of ordinary skill in the art to have modified Harms or Soane to have included: (1) a chemical retainer made of a plurality of chemical-retaining fibers in the form of a regular mesh of individual mesh units, on both the upper and lower sides of the chemical retainer; (2) a plurality of supportive chemical-retaining fibers arranged between the chemical-retaining fibers connecting the chemical-retaining fibers between the upper and lower sides of the mesh constituent unit; (3) a protective case that houses the chemical retainer, the case having an upper and a lower portion; and (4) wherein the rotary device separately rotates each individual mesh unit that comprise the chemical retainer, as recited in claim 1. Specifically with respect to a protective case comprising an upper and a lower portion, such a modification to Harms would render the device unfit for its intended use, by effectively blocking the entry to air flow path **116**, as shown in Figure 3 (Harms, Figure 3).

In view of the above, Harms and Soane, individually or in combination, would not have rendered claim 1 obvious. Claims 3 and 10 depend from claim 1, and, thus, also would not have been rendered obvious by the applied references for at least the reasons set forth

above. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Harms, Soane And D'Amico

The Office Action rejects claims 4-9 under 35 U.S.C. §103(a) over Harms in view of Soane and further in view of U.S. Patent Application Publication No. 2006/0110297 to D'Amico et al. ("D'Amico"). Applicants respectfully traverse the rejection.

Claims 4-9 variously depend from claim 1 and, thus, contain all of the features of claim 1. D'Amico is merely applied by the Office Action as allegedly addressing additional features recited in dependent claims 4-9 and, thus, is not applied to cure the deficiencies of Harms or Soane with respect to claim 1. Regardless of its disclosure, D'Amico does not cure the deficiencies of Harms and Soane with respect to claim 1.

Accordingly, Harms, Soane and D'Amico, in any combination, would not have rendered claim 1 obvious. Claims 4-9 variously depend from claim 1 and, thus, also would not have been rendered obvious by the applied references for at least the reasons set forth above. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

C. Harms, Soane and Scoggins

The Office Action rejects claim 13 under 35 U.S.C. §103(a) over Harms in view of Soane and further in view of U.S. Patent No. 4,750,863 to Scoggins ("Scoggins").

Claim 13 depends from claim 1 and, thus, contains all of the features of claim 1. Scoggins is merely applied by the Office Action as allegedly addressing additional features recited in dependent claim 13 and, thus, is not applied to cure the deficiencies of Harms or Soane with respect to claim 1. Regardless of its disclosure, Scoggins does not cure the deficiencies of Harms and Soane with respect to claim 1. Scoggins merely discloses a filter device that is superimposed around the outer circumference of a ceiling mounted fan, where

the filter components **06** and **07** are comprised of discs of foam, without any mesh structure (Scoggins, col. 2, lines 15-18, col. 4, lines 37-38 and Figs. 1-2).

Accordingly, Harms, Soane and Scoggins, in any combination, would not have rendered claim 1 obvious. Claim 13 depends from claim 1 and, thus, also would not have been rendered obvious by the applied references for at least the reasons set forth above. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. CONCLUSION

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Sarah Lhymn
Registration No. 65,041

JAO:SQL/mef

Date: February 23, 2010

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461</p>
